

1 CHAIRMAN JAMES: At this time we will open up for  
2 Commissioners for questions for this particular panel. And I  
3 would encourage dialogue and discussion among the panel members  
4 as well.

5 Yes, Commissioner Moore.

6 COMMISSIONER MOORE: I'd like to ask Mr. Allen a  
7 question. One of the reasons that I was willing to come one day  
8 early and stay two days late to study the Indian gaming is that  
9 I'm intrigued and I hear all the time about the solidary and we  
10 are a nation and we do all this. I'm not too interested in the  
11 taxation, but I wanted to know what type of government we have,  
12 why I came I wanted to know about the government of these tribes.  
13 You said that you've been the leader for 30 some years I believe.  
14 How did you get there and do you keep being elected for all those  
15 number of years and what type of government do you have, is it a  
16 male council or is it a commission or what?

17 MR. ALLEN: Most of us you have elected processes.

18 COMMISSIONER MOORE: How did you get there, elected?

19 MR. ALLEN: I was elected, my --

20 COMMISSIONER MOORE: And you're elected how often?

21 MR. ALLEN: My position is elected every two years by  
22 the people, so I'm up for election again. We're a small tribe so  
23 we only have five members.

24 COMMISSIONER MOORE: How many?

25 MR. ALLEN: Five council members so, I mean, that's  
26 probably the smallest you will see in the Indian governmental  
27 system. And then from there depending upon the size of the tribe

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1 it will continue to reach much larger numbers up the Navajo  
2 Nation which is probably the largest council.

3 COMMISSIONER MOORE: How many members do you have?

4 MR. ALLEN: My tribe?

5 COMMISSIONER MOORE: Yeah.

6 MR. ALLEN: About 510.

7 COMMISSIONER MOORE: And is a Council -- who would be  
8 on the council besides you? Any other family members?

9 MR. ALLEN: Not in my family. Essentially tribes  
10 kind of reflect a lot of what their social makeup of the  
11 families, you know, and just like any other sector -- any other  
12 political forum, you know, there's people who have biases against  
13 people who they believe are good leaders. And in our tribe, for  
14 example you know, the mixture of the council is very reflective  
15 of the variety of families that are in our community. It's very  
16 representative of the makeup of the community.

17 COMMISSIONER MOORE: Can I ask one more question?

18 CHAIRMAN JAMES: You certainly may.

19 COMMISSIONER MOORE: I'd like to ask the -- Mr.  
20 Notah, you tried to get gambling approved, but your government,  
21 was it this same leader that brought the referendum twice?

22 MR. NOTAH: Mr. Moore to address your question the  
23 decisions to take the issue to the people for referendum were  
24 made by our Navajo Nation Council.

25 COMMISSIONER MOORE: By what?

26 MR. NOTAH: By our Tribal Council.

27 COMMISSIONER MOORE: Okay.

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1 MR. NOTAH: And our council consists of 88 members  
2 and these 88 members represent a total of 110 communities and  
3 they're all elected.

4 COMMISSIONER MOORE: I want to ask next the 110  
5 communities -- you have a million and a half acres you said on  
6 your reservation?

7 MR. NOTAH: Seventeen million.

8 COMMISSIONER MOORE: Seventeen million, do you have  
9 that divided up into counties that we call, Louisiana would call  
10 them Parishes, in Mississippi we call them counties, what did you  
11 -- how did you decide that maybe that you let someone close to  
12 Albuquerque have a -- decide if they wanted a casino? I mean I'm  
13 just trying to figure out the -- how the  
14 government --

15 MR. NOTAH: Okay, Mr. Moore, each chapter is more or  
16 less like a municipality in comparison. The area near  
17 Albuquerque is what we call a chapter which is a community or  
18 maybe one or two communities combined into one.

19 The Local Governments Act that I mentioned in our  
20 testimony now allows for local chapters or communities to take on  
21 a local initiative regardless of the overall tribal position,  
22 they may take on a local initiative. In this case they're  
23 wanting to construct a casino near a major raceway that is coming  
24 that will be off reservation that will be on private lands. But  
25 the community looks at this project as a economic opportunity for  
26 them to raise revenues. So they're sort of piggy backing the  
27 raceway project.

28 CHAIRMAN JAMES: Commissioner McCarthy.

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1 COMMISSIONER MCCARTHY: Thank you. I just wanted to  
2 preliminarily thank Dolly for testifying. We've heard from a  
3 number of people like you with similar stories and one thing that  
4 troubles me is that we get in fragments and I'm trying to figure  
5 out how we can really format this so we can put it together.  
6 We're doing a national survey of thousands of adults across the  
7 country and 700 16 and 17-year-old's -- and that should be  
8 helpful although it will be attacked too by those that don't want  
9 to believe there is any serious pathological gambling percentage  
10 in the population. When it gets down to it as being too small a  
11 sample or whatever. But we're trying to do it in a very  
12 credible, objective and scholarly way and we'll come out with  
13 some results.

14 But beyond that I'm trying to figure out how to get a  
15 handle on your story multiplied thousands of times across the  
16 country for some particular kinds of information. I just handed  
17 Mr. Tucker a note could we talk in the next few days; maybe we  
18 can format some questions over those hot lines around the country  
19 to ask certain questions on credit card usage and so on if we  
20 find there's a tolerance level among the callers. Now, I don't  
21 want to do it in an amateurish way. We would consult with people  
22 that we're talking to so this isn't a bogus attempt, and we can't  
23 possibly defend whatever information is gathered. But I'd like  
24 to pursue that and I just wanted you to know that I've been  
25 thinking about this through several meetings and your in-the-gut  
26 testimony just prompted me more to down that line. Thank you.

27 To Mr. Allen, I wrote down a couple of quotes that  
28 you gave, sir. You said dealing with compulsive gambling, Native

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1 American Tribes are just like the industry has throughout the  
2 U.S., you meant the non-Indian gambling industry?

3 MR. ALLEN: Yes.

4 COMMISSIONER MCCARTHY: And incidentally I also like  
5 to use the word gambling because that has a different meaning  
6 than gaming.

7 MR. ALLEN: Yes.

8 COMMISSIONER MCCARTHY: I know it's not quite as  
9 benign, but I want to stick with gambling. Could you tell me  
10 what you meant by that, just like the rest of the industry has  
11 throughout the -- how do you -- what's your impression of how  
12 they've dealt with problems of compulsive gamblers?

13 MR. ALLEN: Well, you know, the gamblers anonymous  
14 organizations throughout the nation, you know, are well  
15 organized. I mean it's recognized. It is a problem nationally  
16 so they're organized all over. They come to tribes and basically  
17 say, you know, if you're going to be in the industry, you know,  
18 you need to take a responsibility to address it.

19 And what the tribe -- what we're finding the tribes  
20 are doing is working with them and starting to provide resources  
21 to them to assist them. Or if they're not doing it with them  
22 directly and they're also forming their own support organizations  
23 within their own governmental operation.

24 COMMISSIONER MCCARTHY: I wasn't clear, I'm sorry, I  
25 wasn't asking what Native American Tribes are doing about  
26 compulsive gambling. You said we're dealing with compulsive  
27 gambling just like the industry has throughout the United States,  
28 what is your impression of what the non-Indian gambling industry

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1 is doing on compulsive gambling, non-Indian? You said just like  
2 the industry has throughout the United States, what did you mean  
3 by that? What are you relying on?

4 MR. ALLEN: I have to -- I'm not relying on anything  
5 on any documents that I have to have other than dialogue that I  
6 have had with leadership with the gamblers anonymous groups that  
7 they put challenges on the industry and the states, you know, in  
8 terms of kinds of resources they should commit to their  
9 organization to help those people.

10 COMMISSIONER MCCARTHY: Yes, they have put those  
11 challenges, but the testimony we've been getting is that neither  
12 state governments nor the non-Indian gambling industry is doing a  
13 whole lot about compulsive gambling.

14 MR. ALLEN: Then we're doing a better job than them.

15 COMMISSIONER MCCARTHY: Now, I said something in a  
16 previous meeting and I don't know if Mr. Farenkoph is still here  
17 or not, but he wrote me a note challenging my statement and I  
18 wanted to -- friendly way because he pointed out to me that the  
19 center for responsible gambling funded Dr. Howard Schaffer's  
20 synthesis of 120 some surveys that were judged to be of pretty  
21 good quality and that there are several other studies already  
22 underway that could be helpful ultimately in one form or another  
23 to an understanding of compulsive gambling so I want to put it in  
24 the record that I'm very happy about the couple of million  
25 dollars that will ultimately be spent on those studies. I forget  
26 what it adds up to, two, two and half maybe three million  
27 dollars.

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1 But I'm thinking about this industry which now  
2 includes all of it together 600 billion dollars bet each year  
3 annually. And the benefits we've been told about and so I don't  
4 know -- I don't want to just talk about the private sector I want  
5 to talk about government too, government indeed.

6 The state of California, across the nation have  
7 failed to take serious -- have even -- have failed to discern  
8 that this is -- so even if we all agree, as Dr. Howard Schaffer  
9 concluded, there's only four and a half million, only four and a  
10 half million pathological gamblers in the country, only four and  
11 a half million I don't see any real action going on. There may  
12 be a state or two out there that's done something serious about  
13 this and I frankly given the power of the industry at -- not yet  
14 do I see much going on. Maybe it's going to pick up with the  
15 hearings we're holding around, but not --

16 So when I heard you say we're doing all right just  
17 like the industry has throughout the U.S. I don't know how much  
18 of a --

19 MR. ALLEN: Well, maybe I gave them credit for  
20 something I shouldn't have. I mean the issue here is, you know,  
21 that with the Indian communities is they are very community  
22 oriented and they care -- we care a lot about our communities and  
23 so when people raise the issues as you have to deal with the  
24 social ills that comes with the industry that's causing the  
25 impact we care about our people and so we're going to address it  
26 in black and white.

27 COMMISSIONER MCCARTHY: Well, I would believe that,  
28 but what we don't have yet from you from -- generically from you,

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1 is exactly what especially the four or five or six tribes that  
2 are really making it big. A lot of the tribes are just small  
3 operations.

4 MR. ALLEN: That's true.

5 COMMISSIONER MCCARTHY: But the ones that are really  
6 making it big we're going to ask questions about what they're --  
7 just as we're going to ask questions about all the non-Indian  
8 gambling casinos in the country among many other kinds of  
9 questions, what they're doing.

10 So, I just wanted to give that to you to now.

11 MR. ALLEN: We view that as a legitimate question.

12 COMMISSIONER MCCARTHY: Okay. Second area and I'll  
13 do this quickly --

14 CHAIRMAN JAMES: Commissioner McCarthy let me  
15 interject here for just a minute to follow that.

16 COMMISSIONER MCCARTHY: Sure.

17 CHAIRMAN JAMES: And then I'll come back to you for  
18 the second question because I guess I want to ask the same thing,  
19 but in a slightly different way and of Dolly and of Mr. Tucker.  
20 And that is if imagine that you're in the casino in that 32 hour  
21 period when you couldn't leave and you spent all of that money or  
22 try to imagine that you drove 10 hours to buy a power ball ticket  
23 and had your entire pay check that you couldn't afford to spend  
24 on a lottery or imagine that you were going into -- we've got  
25 lotteries, we've got casinos, you know, you're going into a river  
26 boat. If you could suggest something to this commission that you  
27 would like to see in the form of a recommendation as to what  
28 those various industries could do and my presumption is that they

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1 want to do it, what would you recommend to this Commissioner --  
2 this Commission you could, if you were in the casino what you'd  
3 like to see them do at that moment is what?

4 DOLLY: I'm just going to answer from the heart. Had  
5 there not been ATM machines or check cashing policies, I wouldn't  
6 have spent 32 hours in the casino because my money would have run  
7 out a lot sooner. That's not placing blame, but it was quite  
8 easy for me to spend up to 32 hours in that casino primarily for  
9 the ATM machines and check cashing policies.

10 MR. TUCKER: And I would like to second that. My  
11 last gambling binge was in Foxwoods casino and I went to the ATM  
12 for \$6,000.00 in less than two days and it was there. Okay.

13 I also think there should be some sort of an enough  
14 is enough policy. You know if you try to buy a home there's a  
15 debt to income ratio that if you don't meet you don't get the  
16 house. But you know when compulsive gamblers come in and bottom  
17 out they've got one and a half to five times their annual income  
18 they're in the hole. So why is that, you know, you can't --  
19 easily buy a quarter of a million dollar house with that kind of  
20 a recommendation in place or a limitation, but yet you can go  
21 down to a casino and get hundreds of thousands of dollars. You  
22 can get a marker for as much as you want.

23 So I say you have to have an enough is enough policy,  
24 a time out period, a cooling off time. And maybe you have to go  
25 for a little distance before you get to that ATM machine.

26 CHAIRMAN JAMES: What would enough is enough policy  
27 look like?

28 MR. TUCKER: Enough is enough I mean you know --

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1 CHAIRMAN JAMES: But how would a casino know?

2 MR. TUCKER: Well, I mean, it's going to take a  
3 little thought, but what I'm saying is that maybe when a person  
4 is in a cooler state of mind and not agitated or in a rush or  
5 chasing losses or whatever that they set some limits for  
6 themselves in advance. Maybe fill out a credit application, I  
7 don't know something like that.

8 I also would say that there should be a maybe a safe  
9 zone or a time out room or a place where you can just go. I mean  
10 some of these people are to the point of fainting in the room.  
11 Some of these people are at these machines for so long that they  
12 urinate on the floor, that's how serious this is.

13 One woman told me that she had a plastic bag attached  
14 to her leg and she had a catheter placed in her so she didn't  
15 want to lose that machine so she urinated and relieved herself in  
16 the thing so she could stay there for 48 hours. They don't eat,  
17 they don't sleep; these are serious problems. I mean these -- if  
18 anybody was in any other form of business and saw this they would  
19 say my God let's get them some help call in a paramedic or some  
20 kind of people to give them a hand.

21 So I think when a person is in that state, to get  
22 back to your question, I think that they're -- not that we have  
23 to protect ourselves from ourselves, but we do we at least have  
24 to have a position or a place to go where we can take and have  
25 some time out period and where we can get the equation of  
26 intellect over emotion back in there instead of emotion over  
27 intellect.

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1 CHAIRMAN JAMES: I would certainly ask that you give  
2 that some more thought and we would be happy to receive any  
3 further recommendations that you may have for this Commission.

4 Any other Commissioners have questions for this  
5 panel? Dr. Moore.

6 COMMISSIONER MOORE: I think we were going back --

7 CHAIRMAN JAMES: Oh, that's right I do apologize,  
8 you're absolutely correct.

9 COMMISSIONER MCCARTHY: Give all the members a  
10 chance, thank you I'm fine.

11 COMMISSIONER MOORE: Madam Chairman?

12 CHAIRMAN JAMES: Yes.

13 COMMISSIONER MOORE: Do we allow -- do we serve  
14 alcohol on Indian gaming floors?

15 MR. ALLEN: It varies from tribe to tribe, some do  
16 some don't.

17 COMMISSIONER MOORE: Do we allow smoking?

18 MR. ALLEN: Yeah, in many of the casinos what they're  
19 doing now is isolating smoking gambling areas from non-smoking.

20 COMMISSIONER MOORE: Do you know of any other  
21 industry that like if you're a bus driver or airplane pilot that  
22 you give them alcohol to make them feel good and the more they  
23 can gamble better or drive busses better. What do you think  
24 about that? What would be your -- would you think it well to  
25 serve or not serve alcohol on gaming floors?

26 MR. ALLEN: My opinion is that alcohol and the gaming  
27 entertainment industry go hand in hand. I just don't think  
28 you're going to separate the two. I mean I do agree with

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1 commentaries that are just being made regarding people who having  
2 gambling addiction and how do you monitor and how do you control  
3 it. That's a very complicated question and how you try to impose  
4 it and how you enforce it. It takes a great deal of management,  
5 moral conscious responsibility. With regard to alcohol I just,  
6 you know, in fact you'll find more Indian casinos with non-  
7 alcohol than you'll find in the non-Indian sector, but with the  
8 exception of lotteries of course.

9 But the issue here is I don't think you can separate  
10 the two, they're part of the entertainment industry.

11 UNIDENTIFIED SPEAKER: Not just gaming -- I'm sorry.

12 CHAIRMAN JAMES: Go right ahead.

13 COMMISSIONER MCCARTHY: Madam Chair if I may.

14 CHAIRMAN JAMES: Certainly.

15 COMMISSIONER MCCARTHY: I visited the Barona Tribe  
16 yesterday while we were in San Diego. They do not allow alcohol  
17 served on the premises, they do not allow smoking on the  
18 premises, they strictly will not allow children anywhere near the  
19 premises. Anybody under 18 they will not allow. And they tell  
20 me, I obviously didn't have a chance to check this out, they also  
21 told me that they have a very clear policy on how much you can  
22 borrow from credit they'll take it up.

23 And they control the amount of money you can put into  
24 their slot machines. It's kept at a very low level so the  
25 aggregate losses will not mount all of the sudden.

26 MR. ALLEN: There's a variety of measures.

27 COMMISSIONER MCCARTHY: So there are -- it's a matter  
28 of will of the people, you know, how much profit do we want make.

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1 They still make a good profit, but they're still inserting these  
2 socially conscious requirements.

3 MR. ALLEN: I can give you an example of an  
4 individual who comes into our casino. This woman has a lot of  
5 money, this woman drops a lot of money and for many, many, many  
6 months this person was dropping a lot of money and we finally  
7 said that we can't continue to condone this and we 86'd her.

8 And she came back to us asked us, you know, look I'm  
9 going down the road to a different casino and I'm gambling there,  
10 do you want me to drop my dollars down there or in your casino?  
11 I like your casino better. We said we can't consciously take  
12 responsibility for it.

13 Some will do it, some won't; it's a matter of the  
14 management judgment in terms of what they'll accept and how they  
15 will monitor the people who are gambling like that. Her comment  
16 was a little different than the commentary you just heard; her  
17 argument is "I've got a lot of money let me spend it any way I  
18 want." How can we argue that, you know.

19 But nevertheless we felt that there was a conscious  
20 responsibility there and we dealt with it and it was a hard one.  
21 I can tell you right now in the board decision they struggled  
22 over it because management didn't want to go along with it.

23 MR. TUCKER: Madam Chair, may I just respond to that?

24 CHAIRMAN JAMES: Certainly Mr. Tucker.

25 MR. TUCKER: You know, I was just passed a note that  
26 compulsive gambling and problem gambling education and awareness  
27 is really needed. Because you know perhaps this person he's  
28 talking about is not a compulsive gambler. You've got 50 million

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1 dollars and you're going to drop a, you know, a thousand a night  
2 what's the deal, you know. But if it's not effecting you  
3 adversely maybe you're not a problem gambler. Most likely you  
4 are, but maybe you're not.

5 So education and awareness will help us to understand  
6 these kinds of things and making educational policies. There are  
7 some great videos coming out now which were done actually at the  
8 Foxwoods casino. Fantastic for education of tribal casino  
9 employees on how to work with their patrons and then how to work  
10 with their own employees who have a problem. So that might be  
11 helpful.

12 CHAIRMAN JAMES: Thank you very much. This panel  
13 like all the panels that we've heard today was just absolutely  
14 informative and very challenging for this Commission. And we  
15 thank you for coming and offering your testimony. I want to  
16 offer particular thanks to Dolly, I realize that you are still in  
17 your program and I appreciate your courage in coming out and  
18 sharing your story with us.  
19 Thank you very much.

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